

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL  
FROM THE COMMISSIONER OF HEALTH AND SOCIAL SERVICES**

In the Matter of	)	
	)	
J T	)	OAH No. 16-0872-APA
_____	)	Agency No.

**DECISION**

**I. Introduction**

J T has been receiving Adult Public Assistance even though he is not disabled or 65-years old. When the Division of Public Assistance discovered that he was not eligible for Adult Public Assistance, it terminated his benefits. Because Mr. T does not turn 65 until October 2016, the division’s decision is affirmed.

**II. Facts**

J T is a 64-year-old resident of No Name. During his working time, he worked for 31 years.<sup>1</sup> He has paid his social security taxes and Medicaid taxes. Now, he is retired.<sup>2</sup> He is not, however, disabled.<sup>3</sup>

Mr. T has almost no income. His social security retirement before deductions is \$487.<sup>4</sup> After child support obligations are deducted from his check, however, he reports that he receives only \$292.00 per month.<sup>5</sup> He cannot afford a home, and camps outside of his parent’s house.<sup>6</sup> As a consequence, he has no rent or utility expenses.

At some point in the past, Mr. T was approved for Adult Public Assistance. It appears from the record that the reason he was approved was that the Division of Public Assistance believed he was receiving Supplemental Security Income (SSI) from the Social Security Administration. A person who is disabled and is eligible for SSI will usually be eligible for Adult Public Assistance.

Because he needed the additional assistance, Mr. T applied in June 2016 for recertification of his Adult Public Assistance and Medicaid.<sup>7</sup> The application was initially approved. Later that month, however, the approval was reversed and his assistance terminated because the Division of

---

<sup>1</sup> T testimony.  
<sup>2</sup> T testimony.  
<sup>3</sup> T testimony.  
<sup>4</sup> Division Exhibit 2.  
<sup>5</sup> Division Exhibit 7.2. *See also* Division Exhibit 5.1, which documents the child-support deductions.  
<sup>6</sup> T testimony.  
<sup>7</sup> The application is a recertification application. *See* Division Position Statement. Mr. T’s history of receiving Adult Public Assistance and Supplemental Security Income is not clear from this record.

Public Assistance determined that he was not eligible for SSI.<sup>8</sup> The checks he had been receiving from Social Security were retirement checks, not SSI. He could not yet qualify for Adult Public Assistance for the aged because he was not yet 65.

Mr. T appealed the termination of his Adult Public Assistance benefits. A telephonic fair hearing was held on August 22, 2016.

### **III. Discussion**

Alaska public assistance benefits are payable to eligible low-income aged, blind, or disabled persons.<sup>9</sup> A person aged 65 or over who receives adult public assistance benefits is eligible to receive Medicaid benefits as well, and the same financial need and resource standards apply.<sup>10</sup>

At the hearing, Mr. T explained that he was not disabled.<sup>11</sup> He agreed that he was not 65. In his view, however, neither disability nor age was a requirement for receipt of Adult Public Assistance. He explained that the only factor for assistance is income. His income was below the threshold, particularly after his child-support obligations were deducted from his check. In addition, it simply was not fair that people who never worked received assistance while he, who had worked for 31 years, was refused assistance. In support of his argument, Mr. T cited to AS 47.25.430 and AS 47.25.615.

The statutes cited by Mr. T make clear, however, that age, blindness, or disability is a requirement for benefits under the Adult Public Assistance program. He cites first to AS 47.25.430, which makes Adult Public Assistance available to “every aged, blind, or disabled needy resident.” The definitional statute that he cites to, AS 47.25.615, defines “aged” to mean “65 or more years of age.”<sup>12</sup> Mr. T is not 65, blind, or disabled. Therefore, he is not eligible for Adult Public Assistance.

At the hearing, however, Mr. T appeared to argue in the alternative that he was eligible for General Relief Assistance, which is a different program from Adult Public Assistance. General Relief Assistance is governed by AS 47.25.120, which states that “[f]inancial assistance may be given under AS 47.25.120 – 47.25.300, so far as practicable under conditions in this state, to a needy person who is eligible under the regulations of the department.” Thus, the General Relief Assistance program does not have a requirement that a person be aged or disabled. Under the

---

<sup>8</sup> Division Exhibit 6.

<sup>9</sup> AS 47.25.430-.615.

<sup>10</sup> AS 47.07.020(b)(4); 7 AAC 100.400(a)(10), (13)-(15); 7 AAC 100.410(b).

<sup>11</sup> T testimony. Mr. T’s affirmation that he was not disabled and was not

<sup>12</sup> AS 47.25.615(1).

regulations, he might qualify for general relief if his income is under \$300, which it is after his child support is deducted.<sup>13</sup>

At the hearing, however, the division's representative, Sally Dial, cited 7 AAC 47.140(6), which limits general relief benefits to "immediate and specific need for subsistence items, such as rent, food, fuel, transportation, or burial." She argued that because he pays no rent, and has not been threatened by eviction for nonpayment of rent, he is not eligible for benefits under this regulation.

On this record, I am unable to determine whether Mr. T might qualify for General Relief Assistance. Because he has not applied for General Relief Assistance, however, the division has not had an opportunity to determine whether he would qualify. In general, this office will only review an appeal from a decision made by an agency. Because I do not have an appeal of a decision denying Mr. T general relief, I cannot make a decision on his eligibility at this time. If Mr. T believes he might be eligible, he should apply for general relief. In addition, it appears that Mr. T will be eligible for Adult Public Assistance in October 2016. He is encouraged to apply for Adult Public Assistance benefits in October.

#### **IV. Conclusion**

Mr. T is not disabled, 65, or blind. Therefore, he is not eligible for Adult Public Assistance until October 2016. The division's termination of his Adult Public Assistance is affirmed.

DATED this 24<sup>th</sup> of August, 2016.

By: Signed \_\_\_\_\_  
Stephen C. Slotnick  
Administrative Law Judge

---

<sup>13</sup> See 7 AAC 47.150.

## Adoption

Under a delegation from the Commissioner of Health and Social Services and under the authority of AS 44.64.060(e)(1), I adopt this decision as the final administrative determination in this matter.

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 9<sup>th</sup> day of September, 2016.

By: Signed

Name: Bride Seifert

Title/Division: ALJ/OAH

[This document has been modified to conform to the technical standards for publication.]